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7 *its Board of Regents of the Nevada System*
of Higher Education, on behalf of the University
8 *of Nevada, Las Vegas and Karen West*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 DANIEL SALUS,
13 Plaintiff,

CASE NO. 2:10-cv-01734-GMN-GWF

14 vs.

15 THE STATE OF NEVADA ex rel. BOARD
OF REGENTS OF NEVADA SYSTEM OF
16 HIGHER EDUCATION, on behalf of THE
UNIVERSITY OF NEVADA, LAS
17 VEGAS; a Political Subdivision of the State
of Nevada; KAREN WEST, individually and
18 as Dean of the School of Dental Medicine of
the University of Nevada, Las Vegas; DOES
19 I - XX, inclusive,

20 Defendants.

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

21 Defendants', the State of Nevada ex rel. its Board of Regents of the Nevada System of
22 Higher Education, on behalf of the University of Nevada, Las Vegas ("UNLV" or
23 "University"), and Karen West, individually and as Dean of the UNLV School of Dental Medicine
24 (together referred to as "University Defendants"), Motion for Summary Judgment (Document #30)
25 came before this Court for hearing on December 13, 2012, with Daniel Salus, Plaintiff, appearing
26 in Pro Per.

27 After reviewing the pleadings submitted in support of and in opposition to these motions,
28 having heard argument of counsel and Plaintiff, having reviewed the court's file, and for good

1 cause shown,

2 IT IS HEREBY ORDERED that Defendants' University and Karen West Motion for
3 Summary Judgment (Document #30) is granted in its entirety. Each of Plaintiff's federal claims
4 against the University and Dean Karen West are hereby dismissed with prejudice.

5 The Court finds Eleventh Amendment immunity bars Plaintiff's federal claims against the
6 University, as a state entity, and Dean Karen West, as a state employee thereof, in her official
7 capacity. The Court further finds Dean West to be entitled to qualified immunity in her individual
8 capacity as to each of the federal claims. The Court also finds that Plaintiff failed to establish
9 federal claims for violation of Fourteenth Amendment procedural due process or substantive due
10 process. Further, the Court finds that Plaintiff's Equal Protection claim fails as a matter of law and
11 Defendants are entitled to summary judgment. Additionally, the Court finds Defendants are
12 entitled to summary judgment on the state law claims of breach of contract, negligent hiring,
13 training and supervision, intentional infliction of emotional distress, and defamation, libel and
14 slander. Moreover, the Court finds Plaintiff is not entitled to injunctive or declaratory relief as a
15 matter of law.

16 Prior to rendering a ruling this Court canvassed Plaintiff with regard to his failure to file an
17 opposition to the Defendants' Motion for Summary Judgment. Plaintiff confirmed his receipt of
18 mailings by the Court at the address on file with the District Court, Nevada. Plaintiff was notified
19 by the Court of the timeframe for responding via a Klingele Minute Order (Document #31).
20 Thereafter, Magistrate Judge Foley held a telephonic hearing on August 7, 2012 regarding a
21 request filed by Plaintiff seeking additional time (Document #29). On August 7, 2012, Plaintiff
22 and counsel for Defendants participated in the telephonic hearing (Docket #35). The Court granted
23 Plaintiff additional time to find legal counsel and additional time to respond to Defendants' Motion
24 for Summary Judgment (Docket #35). Plaintiff did not file any response following the extended
25 time frame afforded by the Court. Having heard from Plaintiff on the issue, the Court found good

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1 cause did not exist for Plaintiff's failure to file a response.

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3 DATED this 14th day of December, 2012.

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6 
UNITED STATES DISTRICT JUDGE

7 DATED: December 17, 2012

8
9 Submitted By:

10
11 By:



12 ELDA M. SIDHU

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Nevada State Bar No. 007799

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